

## § 7.7

## 11 CFR Ch. I (1–1–11 Edition)

that remedial action should be taken, he or she shall refer a statement to the Commission containing his or her recommendation for such action. The Commission, after consideration of the employee's explanation and the results of any investigation, may direct appropriate remedial action as it deems necessary.

(c) Remedial action pursuant to paragraph (b) of this section may include, but is not limited to:

- (1) Changes in assigned duties;
- (2) Divestment by the employee of his or her conflicting interest;
- (3) Disqualification for a particular action; or
- (4) Disciplinary action.

### **Subpart B—Conduct and Responsibilities of Employees or Commissioners**

#### **§ 7.7 Prohibited conduct—General.**

A Commissioner or employee shall avoid any action whether or not specifically prohibited by this subpart which might result in, or create the appearance of:

- (a) Using public office for unlawful private gain;
- (b) Giving favorable or unfavorable treatment to any person or organization due to any partisan, political, or other consideration;
- (c) Impeding Government efficiency or economy;
- (d) Losing independence or impartiality;
- (e) Making a Government decision outside official channels; or
- (f) Affecting adversely the confidence of the public in the integrity of the Government.

#### **§ 7.8 Gifts, entertainment, and favors.**

(a) A Commissioner or employee of the Federal Election Commission shall not solicit or accept, directly or indirectly, any gift, gratuity, favor, entertainment, loan, or any other thing of monetary value, from a person who:

- (1) Has, or is seeking to obtain, contractual or other business or financial relations with the Commission;
- (2) Conducts operations or activities that are regulated or examined by the Commission; or

(3) Has interests that may be substantially affected by the performance or nonperformance of the Commissioner or employee's official duty.

(b) Paragraph (a) of this section shall not apply:

(1) Where obvious family or personal relationships govern when the circumstances make it clear that it is those relationships rather than the business of the persons concerned which are the motivating factors;

(2) To the acceptance of food, refreshments, and accompanying entertainment of nominal value in the ordinary course of a social occasion or a luncheon or dinner meeting or other function where a Commissioner or an employee is properly in attendance;

(3) To the acceptance of unsolicited advertising or promotional material or other items of nominal intrinsic value such as pens, pencils, note pads, calendars; and

(4) To the acceptance of loans from banks or other financial institutions on customary terms to finance proper and usual activities, such as home mortgage loans.

(c) A Commissioner or an employee shall not solicit a contribution from another employee for a gift to an official superior, make a donation as a gift to an official superior, or accept a gift from an employee receiving less pay than himself or herself. However, this paragraph does not prohibit a voluntary gift of nominal value or donation in a nominal amount made on a special occasion such as birthday, holiday, marriage, illness, or retirement.

(d) A Commissioner or employee shall not accept a gift, present, decoration, or other thing from a foreign government unless authorized by Congress as provided by the Constitution and in section 7342 of title 5, United States Code.

(e) Neither this section nor 11 CFR 7.7 precludes a Commissioner or employee from receipt of a bona fide reimbursement, unless prohibited by law, for expenses of travel and such other necessary subsistence as is compatible with this part for which no Government payment or reimbursement is made. However, this section does not allow an employee or Commissioner to be reimbursed, or payment to be made